



Licensing Board

April 13, 2009 - 7:00 p.m. – **Agenda**
133 William Street, Room 314

View Minutes

* * *

PRESENT: Steven A. Beauregard, Chairman
Ronald E. Frenette, Commissioner
Capt. Steven Vicente, Liaison to the Licensing Board
Nick Nanopoulos, Director

MOTION TO ACCEPT THE MINUTES OF THE MEETING OF – **March 9, 2009**

MOTION TO ACCEPT THE MINUTES OF THE MEETING OF – **March 23, 2009**

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Special License – ‘Charity Wine Pouring License’

Rotary Club of New Bedford, Inc. Sarah Lamothe, President who is requesting approval of an application for a **Special One Day “Charity Wine Pouring License”** for their ‘Annual Wine Tasting Fundraiser’ to be held in the **Café Funchal Banquet Hall**, located at **123 Church Street**, which will be held on **Thursday, April 2, 2009, from 6:00 p.m. until 9:00 p.m.**

Approved By ABCC – 03/26/09

Change of Description - Trans. # 044 – (Plot #93--35)

Marisqueira Madeira, Inc., Carlos A. Madeira, Manager, who is requesting permission to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages licensed premises** located at **1178 Acushnet Avenue**, to include an outside Patio Area approximately 2,530 sq. ft. (46’ x 55’), which will be contiguous to the rear of the building; and will include an outside dining area and bar area, which will have one entrance/exit into the rear of the already licensed premises, and one exit into the parking lot located at the rear of the building.

Final approval will require a ‘**Certificate of Inspection**’ from the Building Department, a ‘**Food Permit**’ from the Health Department, and a signed ‘**Fire & Building Certificate**’ with regard to Chapter 304 Fire Acts Compliance.

Approved By ABCC – 04/06/09

Tabled at 03/23/09 Meeting

1. APPLICATION, Trans. # 073 – (Plot # 25--88)

Portuguese Sports Club, Inc., 56 Delano Street, requesting the approval of **Jose Calheta**, who resides at **142 Tickle Road, Westport, MA.** as their new Manager.

Minutes of 03/23/09 Meeting

Verbal request from applicant to Table the matter until the Board’s 04/13/09 Meeting.

VOTED: Commissioner Frenette made a motion to table the matter until the Board’s April 13th meeting – **Unanimous**

2. APPLICATION, (No Representation Needed)

New Bedford Art Museum, Inc., Kathryn Dinneen, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Reception/John J. Audubon’s Birthday’ to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**, which will be held on **Saturday, April 25, 2009, from 6:00 p.m. until 8:30 p.m.**

3. APPLICATION, (No Representation Needed)

Clube Sport Sacramento, Inc., Laurence Jacques, President who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their ‘Scholarship Fundraiser’, to be held within the **Madeira Field Pavilion**, located at **50 Madeira Avenue**, which will be held on **Saturday, May 2, 2009, from 6:00 p.m. until 11:45 p.m.**

4. APPLICATION, (No Representation Needed)

Downtown, N. B., Inc., Diane Nichols, Executive Director who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their 'Taste of Southcoast Event', to be held within **Custom House Square**, which will be held on **Sunday, May 17, 2009, from 12:00 p.m. (Noon) until 4:30 p.m.**

5. APPLICATION, (No Representation Needed)

Clube Sport Sacramento, Inc., Laurence Jacques, President who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their 'Folkloric Group Fundraiser', to be held within the **Madeira Field Pavilion**, located at **50 Madeira Avenue**, which will be held on **Saturday, May 30, 2009, from 6:00 p.m. until 11:30 p.m.**

6. APPLICATION, (No Representation Needed)

Clube Sport Sacramento, Inc., Laurence Jacques, President who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their 'Night of St. Johns Clamboil', to be held within the **Madeira Field Pavilion**, located at **50 Madeira Avenue**, which will be held on **Sunday, June 14, 2009, from 12:00 p.m. (Noon) until 5:00 p.m.**

7. Hearing: Barry's Fine Wine & Spirits, Inc. - 4th Offense

Barry G. Levine, Manager
573 Mill Street

Your presence and that of **Jose Duarte, Clerk** is requested at a hearing to be held in this office to determine whether you have violated certain provisions of Massachusetts General Laws, ABCC Regulations, and Licensing Board Rules and Regulations, as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a male clerk later identified as **Jose Duarte**, who was later informed that he allegedly just sold alcohol to a minor.

Date and time of alleged violations: Friday, March 13, 2009 @ approximately 6:13 p.m. - #2009 – 00176/10

8. Hearing: Joenat, Inc. d/b/a Freitas Package Store - 4TH Offense

Jose D. Furtado, Manager
1295 Cove Road

Your presence and that of **Jason Pacheco, Clerk** is requested at a hearing to be held in this office to determine whether you have violated certain provisions of Massachusetts General Laws, ABCC Regulations, and Licensing Board Rules and Regulations, as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a male clerk later identified as **Jason Pacheco**, who was later informed that he allegedly just sold alcohol to a minor.

Date and time of alleged violations: Friday, March 13, 2009 @ approximately 6:29 p.m. - #2009 – 00176/12

9. Hearing: P & D Market, Inc.

Sajjad Rehman, Manager - 4th Offense

114 Tallman Street

Your presence and that of **Shahzad Ur Rehman, Clerk** is requested at a hearing to be held in this office to determine whether you have violated certain provisions of Massachusetts General Laws, the ABCC Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a male clerk later identified as **Shahzad Ur Rehman**, who was later informed that he allegedly just sold alcohol to a minor.

Date and time of alleged violations: Saturday, March 14, 2009 @ approximately 6:33 p.m. - #2009 – 00176/11

10. Hearing: Joao Natel Corp. d/b/a Shawmut Package Store - 3rd Offense

Joao Paulo Cordeiro, Manager

558 Shawmut Avenue

Your presence is requested at a hearing to be held in this office to determine whether you have violated certain provisions of Massachusetts General Laws, the ABCC Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a male clerk later identified as **Joao Paulo Cordeiro**, who was later informed that he allegedly just sold alcohol to a minor.

Date and time of alleged violations: Saturday, March 14, 2009 @ approximately 6:22 p.m. - #2009 – 00176/11

11. Hearing: MMRB Corp. Inc. d/b/a Costa Sunoco Mini-Mart - 2nd Offense

Badiru Jaman, Manager

397 Sawyer Street

Your presence and that of **Mannan MD Abdul, Clerk** is requested at a hearing to be held in this office to determine whether you have violated certain provisions of Massachusetts General Laws, the ABCC Regulations, and Licensing Board Rules and Regulations, as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a male clerk later identified as **Mannan MD Abdul**, who was later informed that he allegedly just sold alcohol to a minor.

Date and time of alleged violations: Friday, March 13, 2009 @ approximately 6:48 p.m. - #2009 – 00176/10

12. Hearing: RR Petroleum, Inc. d/b/a Food Mart (Lukoil) - 2nd Offense

Nayana Patel, Manager
30 Rockdale Avenue

Your presence (Required) and that of **Rasida Ajmeri, Clerk** is requested at a hearing to be held in this office to determine whether you have violated certain provisions of Massachusetts General Laws, ABCC Regulations, and Licensing Board Rules and Regulations, as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female clerk later identified as **Rasida Ajmeri**, who was later informed that she allegedly just sold alcohol to a minor.

Date and time of alleged violations: Friday, March 13, 2009 @ approximately 6:38 p.m. - #2009 – 00176/13

13. Hearing: J & S & S, Inc. d/b/a R & B Liquors - 2nd Offense

Steven A. Paiva, Manager
189 Belleville Avenue

Your presence and that of **Antonio Ferreira, Clerk** is requested at a hearing to be held in this office to determine whether you have violated certain provisions of Massachusetts General Laws, ABCC Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a male clerk later identified as **Antonio Ferreira**, who was later informed that he allegedly just sold alcohol to a minor.

Date and time of alleged violations: Friday, March 13, 2009 @ approximately 7:03 p.m. - #2009 – 00176/10

14. Hearing: Seaside Wine & Spirits, Inc. - 2nd Offense

Noreen E. Flaherty, Manager
37 Rockdale Avenue

Your presence and that of **John Flaherty, Clerk** is requested at a hearing to be held in this office to determine whether you have violated certain provisions of Massachusetts General Laws, ABCC Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a male clerk later identified as **John Flaherty**, who was later informed that he allegedly just sold alcohol to a minor.

Date and time of alleged violations: Friday, March 13, 2009 @ approximately 6:47 p.m. - #2009 – 00176/13

15. Hearing: New Wave Café, Inc. - 2nd Offense

Adelia N. Domingos, Manager
143-145 North Front Street

Your presence and that of **Danielle Flowers, Bartender** is requested at a hearing to be held in this office to determine whether you have violated certain provisions of Massachusetts General Laws, ABCC Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New

Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female bartender later identified as **Danielle Flowers**, who was later informed that she allegedly just sold alcohol to a minor.

Date and time of alleged violations: Saturday, March 7, 2009 @ approximately 7:20 p.m. - #2009 – 00176/8

16. Hearing: L & M Enterprises, Inc. d/b/a Central Liquors - 1st Offense

Louis P. Mello, Manager
1847 Acushnet Avenue

Your presence and that of **Kathy A. DeMelo, Clerk** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, ABCC Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female clerk later identified as **Kathy DeMelo**, who was later informed that she allegedly just sold alcohol to a minor.

Date and time of alleged violations: Saturday, March 14, 2009 @ approximately 6:50 p.m. - #2009 – 00176/11

17. Hearing: DD & Gil, Inc. d/b/a Finest Liquors - 1st Offense

Malkit S. Gill, Manager
889 Ashley Boulevard

Your presence and that of **Jeremy Souza, Clerk** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a male clerk later identified as **Jeremy Souza**, who was later informed that he allegedly just sold alcohol to a minor.

Date and time of alleged violations: Saturday, March 14, 2009 @ approximately 7:01 p.m. - #2009 – 00176/11

18. Hearing: Calderon & Calderon, Inc. d/b/a Café Portugal - 1st Offense

Manuela Calderon, Manager
1280 Acushnet Avenue

Your presence and that of **Lisa Costa, Bartender** is requested at a hearing to be held in this office to determine whether

you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204CMR2.05:(2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female bartender later identified as **Lisa Costa**, who was later informed that she allegedly just sold alcohol to a minor.

Date and time of alleged violations: Saturday, March 7, 2009 @ approximately 7:30 p.m. - #2009 – 00176/8

19. Hearing: Casa Do Benfica No. 27, Inc. - 1st Offense

Francisco M. Vala, Manager
1484 Acushnet Avenue

Your presence and that of **Marisa Sousa, Bartender** is requested at a hearing to be held in this office to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female bartender later identified as **Marisa Sousa**, who was later informed that she allegedly just sold alcohol to a minor.

Date and time of alleged violations: Friday, March 6, 2009 @ approximately 8:21 p.m. - #2009 – 00176/7

20. Hearing: Club Recordacoes DePortugal, Inc. - 1st Offense

Ezelino Silva Quadros, Manager
249-253 Coggeshall Street

Your presence and that of **Sandy F. Ferreira, Bartender** is requested at a hearing to be held in this office to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female bartender later identified as **Sandy F. Ferreira**, who was later informed that she allegedly just sold alcohol to a minor.

Date and time of alleged violations: Friday, March 6, 2009 @ approximately 7:27 p.m. - #2009 – 00176/7

21. Hearing: Portuguese American Athletic Club of Greater N.B., Inc. - 1st Offense

Arlindo Moura, Manager

56 Holly Street

Your presence and that of **Marina Peixoto, Bartender** is requested at a hearing to be held in this office to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female bartender later identified as **Marina Peixoto**, who was later informed that she allegedly just sold alcohol to a minor.

Date and time of alleged violations: Friday, March 6, 2009 @ approximately 7:53 p.m. - #2009 – 00176/11

22. Hearing: Tane Corporation, Inc. d/b/a Octane Sports Bar - 1st Offense

Fernanda Carvalho, Manager

1430 Acushnet Avenue

Your presence and that of **Erin L. Vital, Bartender** is requested at a hearing to be held in this office to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

Police Department Incident Report states that while conducting undercover stings of several liquor establishments in the New Bedford area, an underage Police Cadet in an undercover capacity posing as a customer, purchased alcohol from a female bartender later identified as **Erin Vital**, who was later informed that she allegedly just sold alcohol to a minor.

Date and time of alleged violations: Friday, March 6, 2009 @ approximately 8:12 p.m. - #2009 – 00176/7

23. REQUEST

A request from Councilor Morad to meet with the Board to discuss a planned fundraiser to be held within Davy's Locker's parking lot, to be held on July 29th.

Minutes of 03/23/09 Meeting

Present: Linda Morad, Ward 1 Councilor

Councilor Morad stated that she asked to meet with the Board to discuss her tentative plan to hold a fundraiser in the Davy's Locker parking lot on Wednesday, July 29th.

Councilor Morad stated that the plan was to close the entire premises for a private party for which tickets would be sold, and to apply for a 'Special One Day' license for the parking lot, which would be applied for by Davy's Locker; and that there would be additional tables and chairs set up in the parking lot, which would eliminate all parking in the lot except for several handicapped parking slots in front of the restaurant; she also submitted a floor plan of site showing where the tables would be set up, and how the south side of the parking lot would be enclosed by a snow fence that wrapped around to the front entrance of the building that would not allow anyone to enter or exit the area except through a gate in the front of the restaurant, which would also ensure that all the alcohol would be contained within the licensed area, which was received and placed on file; she also stated that there would be some light entertainment until 8:30 or so.

She informed the Board that the ticketed time would be from 5:00 p.m. until 8:00 p.m., with her portion of the evening to be over by 9:00 p.m. with the lot cleaned up, the snow fencing down, and the tables put away; and added that she planned to have a Police Detail from 4:30 p.m. until 8:30 p.m. to help control the speed on the Boulevard and assist people with crossing; and that she planned to sell about 600 tickets; and that she has spoken to some of the neighbors.

The Board did not have any issue with the venue and how it would be set up, the only concern they had was with regard to parking, and how that would be addressed.

The Board suggested that Councilor Morad address the parking issue and that they would put the matter on the Board's next Agenda (April 13th) to discuss the matter further.

ACTION TAKEN: None at This Time

- **CORRESPONDENCE.**

From: Eddie J. Jenkins, Chairman, for the ABCC

Dated – 03/31/09 Received –

04/02/09

Re: Merchant Mariners Social Club, Inc.

26 Wing Street

'New' Hearing Date – Tuesday, June 2, 2009 @ 11:00 a.m. for a hearing to determine whether you have violated certain provisions of Massachusetts General Laws Chapter (M.G.L.) OR Commission Regulations as follows: M.G.L. CH. 62, sec. 47A (d), and 830 CMR 62C .47A.2: **Failure To Pay Club Alcohol Meals Taxes (DOR)**

From: Atty. Michael Medeiros

Dated – 04/06/09 Received – 04/07/09

Re: Simba, Inc. d/b/a VISIONS

226 Union Street

A written request from Atty. Michael Medeiros for a continuance of the hearing scheduled for Visions Night Club **on April 27, 2009**, since his client Ms. Morrow will be out the state on said date at a preplanned family vacation.

- **REVIEW POLICE DEPARTMENT INCIDENT REPORTS**

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
<u>'STINGS' – TO BE BROUGHT IN ON 05/18/09</u>			
1. Café Monte Carlo	#2009 – 00176/16	03/26/09	Serving Underage/Sting (1 st Offense)
2. Red J's Lounge	#2009 – 00176/16	03/26/09	Serving Underage/Sting (1 st Offense)
3. Portugal No Coracao (Claudio's Café)	#2009 – 00176/14	03/27/09	Serving Underage/Sting (1 st Offense)
4. Freddie's Café (Café Ilhavense)	#2009 – 00176/18	03/26/09	Serving Underage/Sting

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| 5. 'FINS' | #2009 – 04410 | 03/21/09 | A & B Outside of Premises/
Household Member |
| 6. 'FINS' | #2009 – 04811 | 03/28/09 | Disorderly Conduct
(Approx. 1:50 a.m.) |
| 7. 'FINS' | #2009 – 04412 | 03/28/09 | Disorderly Conduct
(Approx. 1:50 a.m.) |
| 8. VISIONS Night Club
(Incident Occurred In Vicinity of Listed Premises) | #2009 – 04866 | 03/29/09 | Stabbing Incident
(Approx. 2:10 a.m.) |
- **Zero To Start, Inc. d/b/a Bullpen Sports Pub (Informational Only)**
Seized by DOR on March 26, 2009
 - **Ilha Verde Café, Inc., 85 Delano Street (Informational Only)**

ACTION TAKEN: Notice sent out on 03/18/09 informing licensee that they are in violation of this Board's Decision of December 22, 2008, which required the licensee, the Manager and all Bartenders must be T.I.P.S. Certified within Forty-Five (45) days of this notice; with copies of those certifications submitted to the Office of the Licensing Board. **(Due February 25, 2009)**

Licensee was given final notice, if the certifications were not received **by April 3, 2009**, they would be required to appear before the Board at its April 27th meeting.

ACTION TAKEN: Bring licensee in for a hearing on April 27, 2009, if T.I.P.S. Certifications are not received by April 3, 2009.

Rec'd 04/02/09 – T.I.P.S. Certifications for all employees as requested.

- **'COMPLAINTS RECEIVED:**
-NONE-
- **DAY OF PORTUGAL EVENT (Informational Only)**
June 12, 13, & 14th, 2009 – **Notified To Appear at 04/27/09 Meeting**
- **CAPE VERDEAN RECOGNITION DAY PARADE (Informational Only)**
Saturday, July 4, 2009 – **Notified To Appear at 04/27/09 Meeting**
 - **Merchant Mariner's Social Club, Inc.**
 - **The Bisca Tournament Club, Inc.**
 - **The New Cape Verdean Ultramarine Band Club, Inc.**
 - **Verdean Veterans' Memorial Foundation, Inc.**
- **IRMANDADE DO DIVINO ESPIRITO SANTO DO PICO SUMMER FESTIVAL (Informational Only)**
Friday, Saturday, & Sunday, June 26th, 27th, & 28th ?? – **To Be Notified To Appear at 05/18/09 Meeting**
- **FEAST OF THE BLESSED SACRAMENT (Madeira Feast) (Informational Only)**
Thursday – Sunday, July 30th, 31st, & Aug. 1st & 2nd – **To Be Notified To Appear 05/18/09 Meeting**
- **NEXT FOUR (4) MEETING DATES:** April 27, May 18, June 8th, & June 29th
- **MEETING ADJOURNED:**